

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

KEITH BRASWELL, )  
ANTHONY SMILEY, SR., and )  
RODERICK UNDERWOOD, )  
 )  
Plaintiffs, )  
 )  
v. ) Civil Case No. 2:07-CV-833-MEF  
 )  
RICHARD ALLEN, individually and in )  
his capacity as Commissioner of the )  
Alabama Department of Corrections, and)  
CHARLES HADLEY, individually and )  
in his capacity as Warden of the Red )  
Eagle Honor Farm, )  
 )  
Defendants. )

**REPORT OF THE PARTIES' PLANNING MEETING**

**1. APPEARANCES:** Pursuant to Rule 26(f) of the *Federal Rules of Civil Procedure* and Local rule 26.1(a), a conference was held on April 10, 2008 via teleconference and/or email between the following:

Keith Anderson Nelms, for Plaintiffs; and

Tara S. Knee, for Defendants.

**2. PRE-DISCOVERY DISCLOSURES:** The parties will exchange, by **May 15, 2007**, the information required by Local Rule 26.1(a)(1).

**3. DISCOVERY PLAN:** The parties jointly propose to the Court the following discovery plan:

(a) Discovery will be needed on the following subjects:

1. All information pertaining to Plaintiffs' claims and damages;
2. Defendants' defenses.

- (b) All discovery must be commenced in time to be completed by **August 1, 2008**.
- (c) There will be a maximum of 25 interrogatories by each party, including sub-parts, to any other party. The responses will be due 30 days after service.
- (d) There will be a maximum of 25 requests for production of documents by each party, including sub-parts, to any other party. The responses will be due 30 days after service.
- (e) There will be a maximum of 15 requests for admission by each party, including sub-parts, to any other party. The responses will be due 30 days after service.
- (f) The parties agree that no more than 5 depositions may be taken by a party without leave of Court or agreement of the parties. The parties agree that each deposition is limited to a maximum of 4 hours unless extended by agreement of the parties.
- (g) Reports from retained experts under Rule 26(a)(2) will be due from Plaintiffs by **May 1, 2008**, and from Defendants by **June 1, 2008**.
- (h) Supplementation of the core disclosures under Rule 26(e) will be within 30 days before the end of the discovery period.

#### **4. OTHER ITEMS:**

- (a) **Scheduling Conference:** The parties do not request a conference with the Court before entry of the scheduling order.
- (b) **Dispositive Motions:** All potentially dispositive motions must be filed by **July 1, 2008**.
- (c) **Settlement:** Settlement and the possibility for mediation cannot be evaluated until some discovery is completed.

- (d) **Pretrial Conference:** The parties request a final pretrial conference 45 days before trial.
- (e) **Trial Evidence:** the final list of witnesses and trial evidence under Rule 26(a)(3) should be due 30 days before trial. The parties should have 10 days after service of the final lists of trial evidence to list objections under Rule 26(a)(3).
- (f) **Trial Date:** The case should be ready for trial by **September 29, 2008**, and is expected to take approximately 3 days of trial time.

Dated: April 10, 2008.

/s/ Andy Nelms  
Keith Anderson Nelms  
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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I have served a copy of the foregoing REPORT OF THE PARTIES' PLANNING MEETING upon the following electronically or by placing a copy thereof, addressed to him or her as indicated below, in U.S. Mail, first class postage prepaid, on this the 10th day of April, 2008.

/s/ Andy Nelms  
Of Counsel